

**SUMTER COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY**

SUBJECT: 2nd Amendment - Bacon Group Inc.

REQUESTED ACTION: Approval to execute amendement to Bacon Group Inc in the
amount of \$14,344.66

☐ Work Session (Report Only) **DATE OF MEETING:** 11/9/2010
☒ Regular Meeting ☐ Special Meeting

CONTRACT: ☐ N/A

Effective Date: 11/9/2010

Managing Division / Dept:

Vendor/Entity: Bacon Group Inc

Termination Date: 12/31/2011

Facilities Development and Maintenance

BUDGET IMPACT: \$14,344.66

☐ Annual

FUNDING SOURCE:

Capital Outlay Construction Fund

☒ Capital

EXPENDITURE ACCOUNT:

305-182-522-6215, 305-182-522-6202

☐ N/A

HISTORY/FACTS/ISSUES:

Staff is recommending a contract amendment, in accordance with Article 3, additional services, with Bacon Group, Inc., as a result of the increase in scope of services due to Federal Grant requirements pertaining to Federal Environmental Assessments. The increase is \$14,344.66.

Support Documents: Exhibit A

**SECOND AMENDMENT TO AGREEMENT
BETWEEN OWNER AND ARCHITECT AIA B201-2007**

WHEREAS, on or about November 10, 2009, the Bacon Group Inc., a Florida Corporation (“Architect”), and the Board of County Commissioners of Sumter County, Florida, a subdivision of the State of Florida (the “Board”), entered into an Agreement (the “Agreement”), in which the Architect agreed to provide services in furtherance of the design of the design of the Sumter County Fire and Rescue Stations 22, 31, 32 and 33 for the benefit of Sumter County, and;

WHEREAS, the parties wish to amend the Agreement to more accurately memorialize the intentions of the parties with regard to certain increase of scope of services of the Agreement.

THEREFORE, the parties hereto, being fully advised of the terms herein, and having been advised by legal counsel, do hereby agree to amend the Agreement by this writing (the “Amendment”) and state the following:

1. That the “WHEREAS” recitals above are hereby acknowledged as true and accurate and are incorporated as if stated herein.
2. In accordance with Article 3 Additional Services; Sumter County acknowledges the necessity to incorporate the following expanded architect and engineering scope of services for Federal environmental assessments; Exhibit A dated 9.27.2010 in the total amount of \$14,344.66
- 3) Any provisions of the original Agreement not replaced or contradicted by this Amendment remain in full force and effect. In the event of any conflict between the terms of this Amendment and the original Agreement, the terms of this Amendment shall prevail.

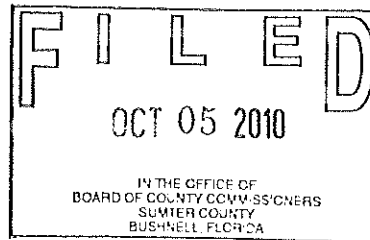
Dated this ____ day of _____, 2009.

Bacon Group, Inc.

SUMTER COUNTY

Rick Bacon
President

Honorable Garry Breeden
Chairman, Board of County Commissioners



September 27, 2010

Mr. Doug Conway, Project Manager
Sumter County
910 Main Street N.
Bushnell, FL 33513

Via: Doug.conway@sumtercountyfl.gov
352-793-0279, 352-793-0207 fax

Re: Fee Amendment Support

Dear Doug:

As you requested in your March 26, 2010 e-mail response to my February 9, 2010 letter, this correspondence includes only the fee proposal from Modica & Associates. I have also attached their proposal, the e-mails authorizing them to proceed with the work and their invoice which supports the request for this fee amendment. The scope of services by Modica & Associates was to prepare and complete the submission and obtain the Federal EA Grant approval.

Attached are the proposal, authorization-to-proceed e-mail, and current invoice from Modica & Associates supporting this request. The invoice has not been paid pending approval by the Board of County Commissioners.

Total Additional Services Fee

\$14,344.66 Sub-Total Fee

We did not include the 12% mark-up on the Masters fees that is allowed by our contract with Sumter County.

| | |
|--------------------------------------|--------------------|
| Modica & Associates: | \$14,344.66 |
| Total Additional Services Fee | \$14,344.66 |

Should you have additional comments, questions or requirements, please let me know.

Respectfully submitted,
BACON GROUP, INC.

Richard S. Bacon, AIA
President

Via Email: rick@bgarchitects.com

April 30, 2010

Mr. Richard Bacon
Bacon Group, Inc.
2641 Sunset Point Road
Clearwater, Florida 33759

PROJ: Coleman Fire Station #33 / West Bushnell Fire Station #22
RE: Proposal for FEMA Environmental Planning and Historic
Preservation Compliance

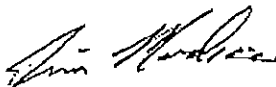
Dear Mr. Bacon:

Modica & Associates, Inc. understands that Sumter County has received Federal grant funding from the Federal Emergency Management Agency (FEMA) for the construction of three (3) new fire station facilities located in Wildwood, Coleman, and West Bushnell. It is further understood that FEMA is requiring the grantee to meet Federal environmental planning and historic preservation (EHP) requirements, including the National Environmental Protection Act (NEPA) Environmental Assessment (EA) process. Wildwood is reportedly "Categorically Exempt" from these requirements.

Modica & Associates, Inc. is experienced with Federal EHP and NEPA requirements, and is capable of satisfying the grant requirements within the required timeframes. The enclosed proposal sets forth a cost estimate for completing the necessary work. The scope of services presented herein is based on a telephone conversation with Stephanie Madson of FEMA on this date. A teleconference with Ms. Madson is scheduled for Monday, May 2, 2010. In the event that unforeseen requirements are raised by Ms. Madson on that date, the scope of services herein may need to be modified.

Please do not hesitate to contact us if you have any questions or require further information. We look forward to working with you to achieve your development goals for this project.

Sincerely,



Jim Modica
President



ENVIRONMENTAL
PLANNING
DESIGN &
PERMITTING

PHONE 352.394.2000 FAX 352.394.1159
302 MOHAWK ROAD, CLERMONT, FLORIDA 34711
www.MODICAANDASSOCIATES.COM

MODICA & ASSOCIATES, INC.
Proposal for SHPO Consultation and NEPA draft EA Preparation

Task 1: SHPO Consultation

Modica & Associates, Inc. will prepare the necessary information and materials for submittal to the Florida Division of Historic Resources (DHR) to obtain documentation of SHPO Consultation on both the West Bushnell and the Coleman project sites. This includes submittal of a request for Master Site File research to a Historic Data Analyst with the DHR, followed by submittal of the results to the Compliance and Review Section. Based on the historically disturbed and developed condition of the project site, the cost presented below assumes that SHPO Consultation will result in a finding of "no adverse impact" on historic or cultural resources. In the event that a potential impact determination results, the subject contract will need to be amended to include coordination of any further actions required. Such further actions could include the conduct of Phase I or Phase II archaeological resource evaluations and subsequent coordination with SHPO.

Cost: \$1,000.00

Task 2: NEPA Compliance – Preparation of Environmental Assessment (EA)

In accordance with the requirements of the National Environmental Protection Act (NEPA) and FEMA's regulations for implementing NEPA (44 CFR Part 10), Modica & Associates, Inc. will prepare a single Environmental Assessment (EA) document to address both the West Bushnell and the Coleman facilities. Our draft EA document will be formatted to match sample formats preferred by FEMA and will be submitted to this agency for review and comment. This document will include a discussion of the project background, purpose, and need, as well as a determination of how the proposed project will impact geology, land use/zoning, floodplain, traffic, public health and safety, air quality, noise, public services and utilities, water resources, biological resources, and archaeological / cultural resources. Mitigation for adverse impacts will be discussed conceptually (i.e. compensatory floodplain storage calculations do not need to be presented). Additionally, a discussion of project alternatives analyzed and dismissed will be provided.

Modica & Associates, Inc. has recently visited the project site and has sufficient technical information to address the biological / ecological site conditions for the purpose of this report. Based on our preliminary assessments, we do not anticipate the need for further Federal action related to biological / ecological resources. Further, based on my telephone conversation with Ms. Stephanie Madson of FEMA on this date, it is my understanding that a Phase I Environmental Site Assessment (ESA) is not a required component of the subject EHP review.

While Modica & Associates, Inc. serves in the capacity of the environmental consultant, our preparation of the EA report will rely heavily on the input of interdisciplinary project team members including the project architect, planner, civil engineer, and possibly traffic engineer to address potential impacts related to other disciplines of study. Any in-depth studies already

prepared in relation to the project site should be provided to us to facilitate the report preparation (i.e. geotechnical, hydrological, archaeological studies). The following conceptual or in-depth information will be helpful:

| <u>Information Needed</u> | <u>Team Member</u> | <u>Status</u> |
|--|-----------------------------|---|
| Geotechnical Reports | Geotechnical | Received |
| Project Purpose, Need and Alternatives | Sumter County | Received – will coordinate further with Fire Chief if necessary |
| Land Use & Zoning Status | Planning / Engineering | Not yet requested |
| Floodplain Encroachment (Conceptual) | Engineering | Not yet requested |
| Traffic / Transportation Impacts (Studies, if available) | Engineering | Not yet requested |
| Description of Public Services | Engineering | Not yet requested |
| Noise Studies, if available | Engineering | Not yet requested |
| Site Plans | Architectural / Engineering | Not yet requested |

Prior to submittal, a copy of the EA document will be provided to all interdisciplinary team members for review and comment to ensure that their specific disciplines of study are being appropriately represented. While our report will summarize the results of in-depth studies already conducted, please be advised that this cost estimate does not include preparation of additional in-depth traffic, noise, geotechnical, floodplain, archaeological or hydrological studies. Any additional studies, if requested by FEMA, will require additional services.

Cost: \$10,000.00

Task 3: Meetings with Project Team

Modica & Associates, Inc. will meet with the project team (e.g. property owner, architect, civil engineer, traffic engineer, etc.) as requested to obtain all necessary information and materials for inclusion in the multidisciplinary Environmental Assessment document. Meetings will not be conducted without prior approval by client.

Cost: Hourly at \$85.00 / hour

Task 4: Response for Requests for Additional Information / Facilitate Approval

We expect a 30-day review timeframe following submittal. In the event that additional information or studies are requested by NEPA, additional costs may be incurred. Although unlikely, additional studies could include Phase I Environmental Site Assessments or archaeological and cultural resource studies. Additional work will not be conducted without prior client approval.

ADDITIONAL SERVICES

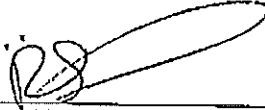
Any tasks not detailed in the above Scope of Services can be added at the request of the Client and will be considered Additional Services. Such tasks may include, but are not limited to: in-depth traffic, noise, geotechnical, floodplain, archaeological or hydrological studies, application for local government development approval, application for Environmental Resource Permitting through the Water Management District, wildlife impact permitting, wetland or wildlife mitigation, etc.

BILLING

Any work not described in the Scope of Services will only be undertaken after being approved by the Client. Reimbursable expenses including overnight or courier delivery services, out of office reproductions, etc. will be billed to the Client at cost. Mileage will be billed at \$0.50 per mile. Any work performed and billed on this project which remains unpaid after 60 days from initial billing shall be charged 1.5% interest per month. Any balance remaining unpaid after 90 days from the date of the initial billing shall be deemed in default with reasonable collection and attorney's fees due and payable.

AUTHORIZATION TO PROCEED

Accepted by:


Signature

5/1/10

Date

Richard S. Bacon
Printed NamePresident
Title

Billing address:

on letter.

Billing phone:

727-725-0111

Billing fax:

727-725-0209

E-Mail Address:

Rick@BGArchTps.com

**Modica & Associates**

302 Mohawk Road

Clermont, FL 34715

Phone: 352-394-2000 / Fax: 352-394-1159

www.modicaandassociates.com

Invoice

Invoice #: 22849

Invoice Date: 8/10/2010

Bill To:

The Bacon Group

2641 Sunset Point Road

Clearwater, FL 33759

Project: Sumter County Firestations # 22 & #33

| Serviced | Description | Hours/Qty | Amount |
|-----------|---------------------------------|-----------|--------|
| 8/2/2010 | Fed Ex | | 30.31 |
| 8/2/2010 | N.E.P.A | 1 | 85.00 |
| | Review & prepare NEPA docs | | |
| 8/2/2010 | NEPA Reformat approved draft EA | 2 | 170.00 |
| 8/3/2010 | NEPA Reformat approved draft EA | 8 | 680.00 |
| 8/27/2010 | N.E.P.A Draft FONSI | 3 | 255.00 |
| 9/1/2010 | N.E.P.A Coordination w/ FEMA | 2 | 170.00 |
| 9/1/2010 | N.E.P.A Review FONSI | 5 | 425.00 |

Total \$1,815.31**Payments/Credits** \$0.00**Balance Due** \$1,815.31**Job Balance Total** \$14,310.31

**Modica & Associates**302 Mohawk Road
Clermont, FL 34715Phone: 352-394-2000 / Fax: 352-394-1159
www.modicaandassociates.com**Invoice**Invoice #: 22841
Invoice Date: 7/29/2010**Bill To:**The Bacon Group
2641 Sunset Point Road
Clearwater, FL 33759**Project:** Sumter County Firestations # 22 & #33

| Serviced | Description | Hours/Qty | Amount |
|-----------|---|-----------|--------|
| 7/27/2010 | Public Hearing Preparation & Research Reformat approved draft EA for public notice | 2.5 | 212.50 |
| 7/28/2010 | Public Hearing Preparation & Research Reformat approved draft EA for public notice | 2 | 170.00 |
| 7/29/2010 | Public Hearing Preparation & Research Reformat approved draft EA for public notice | 2 | 170.00 |
| 7/30/2010 | Public Hearing Preparation & Research Reformat approved draft EA for public notice | 3 | 255.00 |

| | |
|--------------------------|--------------------|
| Total | \$807.50 |
| Payments/Credits | \$0.00 |
| Balance Due | \$807.50 |
| Job Balance Total | \$12,772.14 |

MODICA AND ASSOCIATES, INC.
Environmental Planning, Design and Permitting
302 Mohawk Road
Clermont, FL 34715

Office: 352-394-2000

Fax: 352-394-1159

Bacon Group
Richard Bacon
2641 Sunset Point Road
Clearwater, FL 33759

Project: Sumter Co Fire Stations #22 & 33

Invoice Date 7/15/2010
Amount Due \$2,932.50
SU-199

Invoice Number 22802

| Date | Type | Description | Hours | Amount |
|-----------|------|--------------------|-------|----------|
| 6/7/2010 | Fee | NEPA: EA Revision | 7.00 | \$695.00 |
| 6/9/2010 | Fee | NEPA: EA Revisions | 6.50 | \$467.50 |
| 6/10/2010 | Fee | NEPA: EA Revisions | 6.00 | \$510.00 |
| 6/11/2010 | Fee | NEPA: EA Revisions | 8.00 | \$680.00 |
| 6/14/2010 | Fee | NEPA: EA Revisions | 8.00 | \$680.00 |

BILL SUMMARY

| | |
|--------------------------|-------------------|
| Previous Balance: | \$0.00 |
| Current Fees: | \$2,932.50 |
| Current Expenses: | \$0.00 |
| Total Amount Due: | \$2,932.50 |



MODICA & ASSOCIATES, INC.
 Environmental Planning, Design & Permitting
 302 Mohawk Road
 Clermont, FL 34715

OFFICE: 352-394-2000

FAX: 352-394-1159

The Bacon Group
 2641 Sunset Point Road
 Clearwater, FL 33759

Project: Sumter Co Fire Stations W.
 Bushnell 22 /Coleman 33
 Invoice Date: 6/15/2010
 Amount Due: \$8,755.00
 SU-199

Invoice Number: 22701

| All Detail Date | Type | Description | Hours | Amount |
|--------------------|------|---|-------|----------|
| 5/3/2010 | Fee | Meetings: Kick off Meeting | 3.00 | \$255.00 |
| 5/5/2010 | Fee | Review Existing Technical Information | 2.00 | \$170.00 |
| 5/10/2010 | Fee | NEPA: Review info provided by Sumter County | 4.00 | \$340.00 |
| 5/10/2010 | Fee | NEPA: EA Report | 4.00 | \$340.00 |
| 5/11/2010 | Fee | NEPA: Agency Consultation request | 4.00 | \$340.00 |
| 5/11/2010 | Fee | NEPA EA Report | 5.00 | \$425.00 |
| 5/12/2010 | Fee | NEPA EA Report | 10.00 | \$850.00 |
| 5/13/2010 | Fee | NEPA EA Report | 8.00 | \$680.00 |
| 5/14/2010 | Fee | NEPA EA Report | 8.00 | \$680.00 |
| 5/14/2010 | Fee | Environmental Assessment | 2.00 | \$170.00 |
| 5/17/2010 | Fee | NEPA: EA Report preparation | 5.50 | \$467.50 |
| 5/18/2010 | Fee | NEPA: EA Report preparation | 6.50 | \$552.50 |
| 5/19/2010 | Fee | NEPA: EA Report preparation | 9.00 | \$765.00 |
| 5/19/2010 | Fee | Environmental Assessment | 8.00 | \$680.00 |
| 5/20/2010 | Fee | NEPA: EA Report preparation | 7.00 | \$595.00 |
| 5/21/2010 | Fee | NEPA: EA Report preparation | 7.00 | \$595.00 |
| 5/24/2010 | Fee | NEPA: EA Report Preparation | 3.50 | \$297.50 |

BILL SUMMARY

| | |
|-------------------|------------|
| Previous Balance: | \$552.50 |
| Current Fees: | \$8,202.50 |
| Current Expenses: | \$0.00 |
| Current Other: | \$0.00 |
| New Interest: | \$0.00 |
| Current Payment: | \$0.00 |

Total Amount Due: \$8,755.00

Aging Summary:

| | | | |
|------------|------------|------------|--------------|
| 0-30 Days | 31-60 Days | 61-90 Days | Over 90 Days |
| \$8,202.50 | \$552.50 | \$0.00 | \$0.00 |

ODICA & ASSOCIATES, INC.
 Environmental Planning, Design & Permitting
 302 Mohawk Road
 Clermont, FL 34715

OFFICE: 352-394-2000

FAX: 352-394-1159

The Bacon Group
 2641 Sunset Point Road
 Clearwater, FL 33759

Project: Sumter Co Fire Stations W.
 Bushnell 22 /Coleman 33
 Invoice Date: 5/15/2010
 Amount Due: \$552.50
 SU-199

Invoice Number: 22429

All Detail

| Date | Type | Description | Hours | Amount |
|-----------|------|---|-------|----------|
| 4/30/2010 | Fee | NEPA: Obtain technical info from project team | 6.50 | \$552.50 |

BILL SUMMARY

| | |
|--------------------------|-----------------|
| Previous Balance: | \$0.00 |
| Current Fees: | \$552.50 |
| Current Expenses: | \$0.00 |
| Current Other: | \$0.00 |
| New Interest: | \$0.00 |
| Current Payment: | \$0.00 |
| Total Amount Due: | \$552.50 |

| | | | | |
|----------------|-----------|------------|------------|--------------|
| Aging Summary: | 0-30 Days | 31-60 Days | 61-90 Days | Over 90 Days |
| | \$552.50 | \$0.00 | \$0.00 | \$0.00 |

Please note that the Total Amount Due includes your previous balance. To ensure proper processing of your payment, please include project name and invoice number with payment